

REMARKS/ARGUMENTS

Claims 9-13, 15-19, and 29-33 are pending in this Application.

Claims 9-13, 15-19, and 29-33 remain pending in the Application after entry of this Amendment. No new matter has been entered.

In the Office Action, claims 9-13 and 15-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0139327 (hereinafter "Brown") in view of U.S. Patent Application Publication No. 2006/0179008 (hereinafter "Tallent"). Claims 29-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown, in view of U.S. Patent Application Publication No. 2003/0154376 (hereinafter "Hwangbo", in further view of Tallent.

Claim Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejections to claims 9-13, 15-19, and 29-33 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Brown, Hwangbo, and Tallent. The Office Action alleges that claimed invention is directed to obvious subject matter, in that the combination of Brown, Hwangbo, and Tallent expressly or impliedly disclose or suggest the claimed invention. The Office Action further alleges that one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of Brown, Hwangbo, and Tallent.

Applicants, however, respectfully submit that a prima facie case of obviousness has not been established by the evidence presented in the Office Action. As reiterated by the Supreme Court in KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), the framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966). The factual inquiries enunciated by the Court are as follows:

- (A) Determining the scope and content of the prior art;
- (B) Ascertaining the differences between the claimed invention and the prior art;

and

- (C) Resolving the level of ordinary skill in the pertinent art.

To reach a proper determination under 35 U.S.C. § 103(a), the Examiner must step backward in time and into the shoes worn by the hypothetical “person of ordinary skill in the art” when the invention was unknown and just before it was made. In view of all factual information, the Examiner must then make a determination whether the claimed invention “as a whole” would have been obvious at that time to that person. (M.P.E.P. § 2142). “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicants respectfully submit that Brown, Hwangbo, and Tallent, either individually or in combination, fail to disclose one or more of the claim limitations recited in each of claims 9-13, 15-19, and 29-33. These differences, along with other difference, establish that the subject matter as a whole of claims 9-13, 15-19, and 29-33 would not have been obvious at the time of invention to a person of ordinary skill in the art.

Applicants respectfully submit that Brown, Hwangbo, and Tallent, either individually or in combination, fail to disclose or suggest the limitation of “authority information including a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments” as recited in amended claim 9.

In particular, Brown, Hwangbo, and Tallent, either individually or in combination, fail to disclose or suggest receiving a certificate having “authority information including a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments” as recited in claim 9. (Emphasis added).

Starting on page 6 of the Office Action, the Office Action alleges that Brown discloses the limitation of “authority information including a maximum payment that the user is authorized to make and an indication [sic] of payees to whom the user is authorized to make payments.” The Office Action points to paragraph [0183] as an example in Brown disclosing the particular limitation. However, Brown fails to disclose or suggest that the digital certificate of

Brown specifies a maximum signing authority and “an identification of payees to whom the user is authorized to make payments.”

The Office Action merely alleges that the digital signature of Brown can indicate “a maximum signing authority.” The Office Action fails to address whether Brown also includes in the digital certificate “an identification of payees to whom the user is authorized to make payments” as recited in claim 9.” Moreover, starting on page 4, in arguing point (3), the Office Action merely address a maximum signing authority by pointing to FIG. 8G, which only includes step 888 of checking the digital signature for an authorized amount. Brown does not disclose checking for “a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments” as recited in claim 9.

The Office Action further fails to address whether Hwangbo and Tallent cure the above identified deficiencies of Brown. Thus, Applicants respectfully request that the Examiner withdraw the rejections and issue a notice of allowance or clarify this issue in a new non-final Office Action.

Secondly, Brown, Hwangbo, and Tallent, either individually or in combination, also fail to disclose or suggest “comparing the retrieved authority information with the authority information included within the received certificate to determine whether the retrieved authority information matches the authority information included within the received certificate” as recited in claim 9. The received certificate recited in claim 9 includes “authority information including a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments.” Accordingly, in order to have a match between “the retrieved authority information” and “the authority information included within the received certificate” as recited in claim 9, “the retrieved authority information” must also include “a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments” as recited in claim 9.

The Office Action fails to address whether Brown, Hwangbo, and Tallent, either individually or in combination, also disclose or suggest that “the retrieved authority information” also includes “a maximum payment that the user is authorized to make and an identification of payees to whom the user is authorized to make payments” as recited in claim 9. As discussed

above, Brown is deficient. Moreover, the exemplary section of calculating a message digest and comparing it with an original digest as in Brown has nothing to do with the recited comparison of claim 9. Additionally, the Office Action merely sets forth how Tallent discloses a central repository and how Hwangbo discloses digital certificates. Thus, Applicants respectfully request that the Examiner withdraw the rejections and issue a notice of allowance or clarify this issue in a new non-final Office Action.

Applicants respectfully submit that independent claims 15 and 29 are allowable for at least a similar rationale as discussed above for the allowability of claim 9, and others. Applicants respectfully submit that the dependent claims that depend directly and/or indirectly from independent claims 9, 15, and 29 respectively, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Applicants' undersigned representative believes a telephone conference would expedite prosecution of this application. Please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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